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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,230

04/22/2004

Terrence M. Doeberl

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EXAMINER

ADE, OGER GARCIA

ART UNIT

PAPER NUMBER

3687

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/709,230	Applicant(s) DOEBERL ET AL.	
	Examiner GARCIA ADE	Art Unit 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on January, 17th, 2008 has been considered. Applicants have amended claims 1, 3, 6-10, and added new claims 11-20.

Double Patenting

2. Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, and 11-24 of copending Application No. 10/249,615. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are directed to the same invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melby et al. [US 6,952,680], and further in view of Liang et al. [US 7,315,887 B1].

As per claims 1-6, 8-11, and 13-20, Melby discloses a method for providing asset placement analysis for an organization comprising: obtaining historical asset usage data over a plurality of periods for a plurality of assets [see abstract (e.g. provide historical trends), and column 2: lines 1-5 (e.g. **historical access to the information associated with asset usage**)]; obtaining asset physical placement data associated with the plurality of assets over the plurality of periods [see column 14: lines 32-36 (e.g. a pre-determined usage-pricing matrix)]; determining suggested alternate asset physical placement data using the asset usage data and the asset physical placement data, and providing the suggested alternate asset physical placement data [see column 3: lines 16-20, via database 78, and via analysis controller 13, read as "**such identification information included, for example, data regarding the make, model, year, and serial number of the asset 11**"].

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Melby discloses all the elements per claimed invention as explained above. Melby does not explicitly disclose a "*physical*" placement analysis for an organization. However, Liang discloses a physical placement analysis management for facilitating integration of communications network equipment or asset inventory management [see abstract, and as illustrated in figure 1 (e.g. blocks 120 and 155)].

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Liang to the teaching of Melby in order to provide a method for facilitating the management of a communication network asset item, a physical placement analysis of an asset item for an organization, and a system-readable identification enables the physical asset manager to create the informational link between the on-line sub-object of the asset item and the off-line sub-object of the asset item [see summary of the invention].

As per claims 7 and 12, Melby discloses obtaining department data for a plurality of departments of the organization associated with the asset placement data specifying a plurality of locations each associated with the plurality of assets [see abstract (e.g. provide historical trends), and column 2: lines 1-5 (e.g. ***historical access to the information associated with asset usage***)]; determining peak usage for at least one of the departments using the historical asset usage data, the department data and the asset placement data [as illustrated in figure 6, ***a flow chart of a sub-system illustrating the analysis of asset-related information to determine responsibility and peak usage for asset***

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utilization]; and suggesting at least one replacement asset for the at least one department [see paragraph bridging column 17 and 18 (e.g. ***the system to automatically order replacement parts for an inventory location***)].

Melby discloses all the elements per claimed invention as explained above. Melby does not explicitly disclose “*physical*” asset placement data, and “*physical*” location. However, Liang discloses a “*physical*” asset placement data, and “*physical*” location [see abstract, and as illustrated in figure 1 (e.g. blocks 120 and 155)].

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Liang to the teaching of Melby. The motivation is the same as claims 1-6, 8-11, 13-20 above.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARCIA ADE whose telephone number is (571)272-5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571.272.3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687

Garcia Ade
Examiner
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ga